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Mauritius*

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Introduction

1. The Common Core Document has been prepared in line with the harmonised guidelines of the Human Rights Committee regarding the form and content of periodic reports to be submitted by State Parties. It has been prepared by the Prime Minister's Office and is the result of a participatory and collaborative process involving the relevant ministries and departments and civil society organisations, whilst taking into account inputs from the private sector as well as the national human rights institutions.

2. The Common Core Document contains general information on the demographic, economic, social and cultural characteristics of the country as well as its constitutional, political and legal structure.

I. General information

A. Demographic, economic, social and cultural characteristics of Mauritius

3. The Republic of Mauritius, located in the south-west of the Indian Ocean, consists of the islands of Mauritius, Rodrigues, Agalega, Tromelin, Cargados Carajos and the Chagos Archipelago including Diego Garcia and any other island comprised in the State of Mauritius. The two main islands are the Island of Mauritius (1,865 sq km) and the Island of Rodrigues (104 sq km). The Republic of Mauritius has a population of about 1.3 million with an estimated resident population of 1,220,663 in Mauritius and 41,942 in Rodrigues as at July 2015. Mauritius does not have an indigenous population.

4. Mauritius has recorded sustained positive economic growth over the recent years and aims to reach a High Income Economy status in its Vision 2030. Sustained growth of the economy has been possible due to such factors as political stability, stable institutions, an outward market-driven strategy, prudent fiscality, competitive exchange rate, trade, investment and monetary policy, and its careful overall planning and policy choices. In addition, public-private partnerships have considerably facilitated private sector-led growth. According to the World Bank's classification scheme, Mauritius has attained upper middle-income country (MIC) status with a per capita income of US$ 10,003 in 2014.

5. Mauritius has also achieved many of the Millennium Development Goals (MDG) targets (2015 National MDG Report) as well as an HDI value of 0.777 in 2014 (UNDP HDI 2014). It has consistently maintained its position as a top performer in several global indices such as the Mo Ibrahim Index of African Governance (1st in 2015), the World Bank's Ease of Doing Business Index (28th out of 189 countries in 2015), Global Competitiveness Report (46th out of 140 countries in 2015) and UNDP Human Development Index (63rd out of 188 countries in 2014). However, the gender ranking of Mauritius needs to be improved as currently country ranks 106th of out of 142 countries (WEF 2014).

6. Despite these successes, several important challenges remain. Mauritius has been facing increasing inequality in recent years, with the Gini coefficient rising from 0.388 in 2006/2007 to 0.414 in 2012. Most notably, the income of the bottom 40 percent of the population has been growing much more slowly than the rest of the population – at an annual rate of 1.8 percent compared to 3.1 percent for the rest of the population (World Bank, Systematic Country Diagnostic 2015). Environmental pressures are significant, compounded with Climate Change and the specificity of being a Small Island State (SIDS). Significant effort needs to be made in reversing environmental and biodiversity loss.

7. In response to the above challenges the Government of Mauritius is using innovative financing mechanism to ensure that social projects are funded by the private sector: a Corporate Social Responsibility (CSR) levy of 2% is channelled towards programmes that contribute to the social and environmental development of the country. Further, more than half of the total Government budget is spent on community welfare and social security to promote the socio-economic wellbeing of the population.

B. Constitutional, political and legal structure of Mauritius

The Constitution

8. The Constitution of Mauritius, a written document bequeathed to Mauritius by an Order-in-Council of the British Government at the time of independence in 1968, is based on the Westminster model and rests on two fundamental tenets which are the rule of law and the principle of separation of powers. Section 1 of the Constitution provides that the Republic of Mauritius shall be a "sovereign democratic State", this being in consonance with the fundamental rights and freedoms guaranteed under Chapter II of the Constitution which is largely inspired from the European Convention on Human Rights. Those fundamental rights and freedoms include the right to life, the right to personal liberty, protection from slavery and forced labour, protection from inhuman treatment, protection from deprivation of property, protection of the law, freedom of conscience, freedom of expression, freedom of assembly and association, freedom of movement, protection for the privacy of home and other property and protection from discrimination.

The political structure of Mauritius

9. The country obtained its independence from Great Britain on 12 March 1968. Her Majesty the Queen of Great Britain was the Head of State until 1992 when Mauritius became a Republic. The country is a parliamentary democracy led by the Prime Minister as the Head of Government. The Head of State is the President of the Republic who is elected by a majority of the members of the National Assembly on a motion of the Prime Minister. The State of Mauritius holds free and fair national and local elections at regular intervals. The conduct of these elections is supervised by an independent Electoral Supervisory Commission. The National Assembly consists of 70 members of whom 62 are elected in accordance with the first-past-the post system and the remaining 8 are allocated seats from among the best losers at general elections on a community and party basis, in order to ensure a fair and adequate representation of each community.

10. In 2002, provision was made for a decentralised form of Government in the island of Rodrigues by setting up the Rodrigues Regional Assembly which is responsible for the formulation and implementation of policy for specified matters in relation to Rodrigues (such as agriculture, child development, employment, environment and tourism). Members of the Rodrigues Regional Assembly are elected by citizens of Mauritius who are residents of Rodrigues.

11. Regional Assembly Regulations may be made by the Rodrigues Regional Assembly and such regulations will have effect only in Rodrigues. Like other regulations, they will be subject to a negative resolution by the Parliament of Mauritius pursuant to section 122 of the Constitution. Section 31(7) of the Rodrigues Regional Assembly Act would apply in so far as negative resolution is concerned.

12. Rodrigues Regional Assembly laws may also be adopted in relation to its areas of responsibility and shall apply only to Rodrigues. The draft law has first to be transmitted by the Chief Commissioner of Rodrigues to the Minister who holds the portfolio for

Rodrigues. Thereafter, Cabinet will have to give its approval for the Bill to be introduced in Parliament for its enactment in accordance with the relevant Standing Orders.

The Judicial System

13. The judicial system of Mauritius is based on the British adversarial system and comprises of a single-structured judicial system made up of the Supreme Court and subordinate courts. The Supreme Court has various divisions exercising jurisdiction such as the Master's Court, the Family Division, the Commercial Division, the Criminal Division, the Mediation Division and the Court of first instance in civil and criminal proceedings, the appellate jurisdiction (to hear and determine civil & criminal appeals from decisions of the subordinate courts), the Court of Civil Appeal and the Court of Criminal Appeal (to hear and determine appeals from decisions of the Supreme Court sitting in the exercise of its original jurisdiction in civil matters and in criminal matters respectively). The subordinate courts consist of the Intermediate Court, the Industrial Court, the District Courts, the Bail and Remand Court and the Court of Rodrigues.

The Supreme Court

14. The Supreme Court is composed of the Chief Justice, the Senior Puisne Judge and Puisne Judges. It is vested with all the powers and jurisdiction necessary to apply the laws of Mauritius. It is a superior Court of Record and has unlimited jurisdiction to hear and determine any civil and criminal proceedings. It has the same original jurisdiction as the High Court in England and is vested with all the necessary powers and authority to exercise its equitable jurisdiction as a Court of Equity. The Supreme Court also exercises supervisory jurisdiction over subordinate courts in order to ensure that justice is duly delivered by those courts. It has the sole power to determine whether any provision of the Constitution has been contravened, including the power to determine whether any law made by Parliament is void on the ground that it contravenes the provisions of the Constitution. It is also empowered to safeguard the enforcement of the protective provisions entrenched in the Constitution.

Civil Jurisdiction of the Supreme Court as Court of first instance

15. The Supreme Court hears and determines: (i) any civil matter, although it will generally entertain and hear claims where the matter in dispute is of the value which is more than Rs 500,000; (ii) divorce and matrimonial proceedings; (iii) petitions for insolvency, and all matters of a commercial nature; (iv) admiralty matters; and (v) claims for Constitutional relief.

16. All civil proceedings are heard and determined by a single Judge, unless otherwise provided for under any written law, or as may be decided by the Chief Justice, having regard to the interest at stake, or to the importance or intricacy of the questions of fact or law involved. The Supreme Court, in the exercise of its civil jurisdiction, has the power and jurisdiction to hear and determine any complaint of a disciplinary nature, brought up by any of the authorities or bodies exercising powers of supervision over the professional conduct of law practitioners or ministerial officers.

The Family Division of the Supreme Court

17. The Family Division of the Supreme Court was set up administratively in January 2008. It exercises jurisdiction in any matter under the Divorce and Judicial Separation Act or under any other enactment which relates to alimony, maintenance, or the custody or guardianship of minors, other than a matter which is under an enactment within the exclusive jurisdiction of a Magistrate. Two Puisne Judges, designated by the Chief Justice, are posted in that division.

The Commercial Division of the Supreme Court

18. The Commercial Division of the Supreme Court was set up administratively in 2009. Two Puisne Judges, designated by the Chief Justice, sit in that division. It entertains, hears and determines matters arising under the Insolvency Act 2009 and the Companies Act; disputes relating to banking, bills of exchange, offshore business, patents, and trademarks; and generally anything which is of a commercial nature.

The Master's Court

19. The Master's Court is presided by the Master and Registrar and the Deputy Master & Registrar. It exercises the jurisdiction conferred upon it by the "Code Civil Mauricien" in relation to succession and division of immovable property and by the Sale of Immovable Property Act. The Master's Court also deals with and rules upon all pre-trial issues for civil cases lodged before the Supreme Court.

The Mediation Division

20. Two Puisne Judges are currently in post at the Mediation Division. The Chief Justice may upon the application of any party, refer a civil suit, action, cause or matter pending before the Supreme Court to the Mediation Division. The primary purpose of mediation is to dispose of the civil suit, action, cause or matter by a common agreement or to narrow down the issues in dispute.

The Criminal Division of the Supreme Court (Assizes)

21. The Supreme Court is the principal court of original criminal jurisdiction and holds sessions for the dispatch of criminal business. Those criminal trials before the Supreme Court are held before a Presiding Judge and a jury consisting of nine persons, and relate to very serious offences such as murder and manslaughter. Provision is also made for the prosecution of certain offences, including offences under the Dangerous Drugs Act, before a Judge of the Supreme Court without a jury.

Appellate jurisdiction of the Supreme Court

22. The Supreme Court has full powers and jurisdiction to hear and determine all appeal cases, whether civil or criminal, from the decision of - (i) the Judge in Chambers; (ii) the Master's Court; (iii) the Intermediate Court; (iv) the Industrial Court; (v) the District Courts and (vi) a body established under any other enactment. Appeals to the Supreme Court are heard before at least two judges, except as otherwise provided for in any other enactment.

The Court of Civil Appeal

23. The Court of Civil Appeal is a division of the Supreme Court. It hears and determines all appeals from the decisions of the Supreme Court sitting as the Court of first instance in civil proceedings. It is constituted of two or three Judges, as the Chief Justice may decide. Where the Chief Justice is absent or is for any reason unable to sit on the Court of Civil Appeal, the Senior Puisne Judge, presides over the Court of Civil Appeal.

Court of Criminal Appeal

24. The Court of Criminal Appeal is a division of the Supreme Court. It constitutes of three Judges and has full power to hear and determine all appeals from the decisions of the Supreme Court sitting as the Court of first instance in criminal proceedings. The Chief Justice and in his absence the Senior Puisne Judge, presides over the Court of Criminal Appeal.

The Judicial Committee of the Privy Council

25. The Judicial Committee of the Privy Council is the final court of appeal of Mauritius. An appeal shall lie from decisions of the Court of Appeal or of the Supreme Court, to the Judicial Committee, as of right in the following cases: (i) final decisions in any civil or criminal proceedings and on questions as to the interpretation of the Constitution; (ii). where the matter in dispute is of the value of Rs 10,000 or upwards or where the appeal involves directly or indirectly a claim to or a question respecting property or a right of the value of Rs 10,000 or upwards; (iii) final decisions in proceedings under section 17 of the Constitution for the enforcement of protective provisions; (iv) with leave of the Supreme Court, where in the opinion of the Court the question involved in the appeal is one that by reason of its great general or public importance or otherwise ought to be submitted to the Judicial Committee of the Privy Council.

Subordinate Courts

The Intermediate Court

26. The Intermediate Court is established under the Courts Act and has islandwide civil and criminal jurisdiction, including Rodrigues. It consists of two Presidents, two Vice-Presidents and any such number of Intermediate Court Magistrates established under the Civil Establishment Order.

27. The Intermediate Court has jurisdiction in all civil cases where the claim or matter in dispute, whether in balance of account or otherwise, does not exceed Rs 500,000. The bench of the Intermediate Court is constituted of one or more Magistrates, as may be decided by the President.

28. The Intermediate Court has jurisdiction to hear and determine serious criminal offences provided under specific sections of the Criminal Code and any other offence that can be tried by the Intermediate Court under any other enactment. It has power to inflict penal servitude on convicted offenders for a period not exceeding fifteen years and imprisonment for a period not exceeding ten years. However, for persistent offenders, the Intermediate Court may increase the sentence to twenty years' penal servitude. The Intermediate Court is also empowered to inflict a higher sentence for offences under the Dangerous Drugs Act and the Criminal Code.

The Industrial Court

29. The Industrial Court consists of a President and a Vice-President. Established under the Industrial Court Act, it has exclusive civil and criminal jurisdiction to try any matter arising out of the Employment Rights Act, Employment and Training Act, Export Processing Zones Act, Passenger Transport Industry (Buses) Retiring Benefits Act, Sugar Industry Retiring Benefits Act, Workmen's Compensation Act and Health & Welfare legislations.

District Courts

30. There are ten District Courts in Mauritius and one in Rodrigues. The District Courts have jurisdiction to try and determine both civil and criminal cases as provided for by the law. Each District Court is presided by a District Magistrate and any such number of District Magistrates as may be decided by the Chief Justice. The District Court has power and jurisdiction to hear and determine criminal cases punishable by a term of imprisonment not exceeding five years and a fine not exceeding Rs 100,000. The District Court has jurisdiction in all civil cases where the claim or matter in dispute does not exceed

Rs 50,000. Conversely, District Magistrates have exclusive jurisdiction in landlord and tenant disputes, irrespective of the amount of the claim for non-payment of rent.

31. By virtue of the Protection from Domestic Violence Act, Court Officers are entrusted with the duty of receiving and processing applications for a Protection Order from an aggrieved spouse and from persons living under the same roof, who may be victims of domestic violence. District Magistrates are empowered to hear and determine such applications and to issue Protection Orders where the Court is satisfied that there is a serious risk of harm to the applicants. District Magistrates are also empowered to receive and determine applications for the issue of Occupation Orders and Tenancy Orders. Such orders confer upon the victims of domestic violence the exclusive right to the use and occupation of the conjugal common house.

32. The Small Claims Procedure was introduced in 1999 to enable District Courts to adjudicate on minor claims not exceeding Rs 25,000 in a summary and expeditious manner. Such claims are lodged by the litigants themselves after filling in a prescribed form which is served on the adverse parties. Both parties are convened before the Magistrate in Chambers to resolve the dispute. In the event there is no agreement between the parties, the matter is set down for trial. It is to be noted that such cases are disposed of by this method of conflict resolution rather than through a trial process.

33. District Magistrates also exercise jurisdiction as Magistrate of the Juvenile Court. The Juvenile Court tries young persons suspected of having committed criminal offences. The Juvenile Court also deals with children who are beyond parental control and/or who need care and protection.

34. The Bail and Remand Court (BRC) established under the Bail Act, has exclusive jurisdiction with regard to remand or release of persons charged with an offence or arrested on reasonable suspicion of having committed an offence, and also operates on weekends and public holidays to safeguard the constitutional rights of detainees. The BRC is presided over by a District Magistrate and is located at the New Court House in Port Louis.

35. In Rodrigues, justice is administered by a full-time Magistrate and a visiting Judge of the Supreme Court. A Magistrate also visits the other smaller islands, such as Agalega, which forms part of the Republic of Mauritius, whenever required.

E-Judiciary

36. The Judiciary has, since April 2010, embarked on the development and implementation of an electronic filing of cases and an electronic case management system. The programme has materialised with the help of Investment Climate Facility for Africa (ICF) which made a grant of 75% of the project costs, the remaining 25% is being funded by the Government.

37. Phase I of the project concerns cases lodged before the Supreme Court (Commercial & Civil cases) and before the Judge in Chambers. The launching of the first phase on a pilot basis has taken place in April 2013 at the Commercial Division of the Supreme Court. The system will be extended to other divisions of the Supreme Court with the exception of the Family Division and the Criminal Division. These divisions as well as all subordinate courts will be taken on board in phase II of the Modernisation of the Judiciary programme.

Institute for Judicial and Legal Studies

38. The Institute for Judicial and Legal Studies was set up under the Institute for Judicial and Legal Studies Act which was passed by the National Assembly on 27 July 2012. The Institute seeks to promote proficiency among law practitioners and legal officers and in the delivery of court services in general and the maintenance of standard in the Judiciary. This

is done through the organisation and provision of Continuing Professional Development programmes, that is, continuous training courses, seminars and workshops, for the benefit of existing and prospective law practitioners and legal officers.

II. General framework for the promotion and protection of human rights

A. Acceptance of International Human Rights Norms

39. The Republic of Mauritius is party to the following international instruments related to human rights:

Human Rights Conventions

Treaty Convention	Signature	Date of ratification, accession or succession
International Covenant on Civil and Political Rights (CCPR)	-	12 December 1973 (a)
Optional Protocol to the International Covenant on Civil and Political Rights (CCPROP-1)	-	12 December 1973 (a)
International Covenant on Economic, Social and Cultural Rights (CESCR)	-	12 December 1973 (a)
International Convention on the Elimination of all Forms of Racial Discrimination (CERD)	-	30 May 1972 (a)
International Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)	-	9 July 1984 (a)
Optional Protocol to the Convention on the Elimination of all Forms of Discrimination against Women(CEDAW-OP)	11 November 2001	31 October 2008 (r)
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)	-	9 December 1992 (a)
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT-OP)	-	21 June 2005 (a)
Convention on the Rights of the Child(CRC)	-	26 July 1990 (a)
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (CRC-OP-SC)	11 November 2001	14 June 2011 (r)
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (CRC-OP-AC)	11 November 2001	12 February 2009 (r)
Convention on the Rights of Persons with Disabilities (CRPD)	25 September 2007	8 January 2010 (r)

Other Multilateral Treaties

Treaty	Date of signature	Date of ratification (r), accession (a)
United Nations Convention against Transnational Organized Crime	12 December 2000	18 April 2003 (r)
Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime	-	24 September 2003 (a)
The Hague Convention on the Civil Aspects of International Child Abduction	-	23 March 1993 (a)

Regional Human Rights Instruments

Treaty	Date of signature	Date of ratification/accession
African Charter on Human and Peoples' Rights	27 February 1992	19 June 1992 (r)
African Charter on the Rights and Welfare of the Child	7 November 1991	14 February 1992 (r)
Protocol to the African Charter on Human and Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	9 June 1998	3 March 2003 (r)
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	29 January 2005	-

International Humanitarian Law Instruments

Treaty	Date Signed, Acceded, Succeeded	Domestic Legislation enacted
A. The Four Geneva Conventions and their Protocols	Succeeded on 18 August 1970	Geneva Conventions Act
1. **1949 Geneva Convention I** for the Amelioration of the conditions of the Wounded and Sick in the Armed Forces in the Field		
2. **1949 Geneva Convention II** for the Amelioration of the condition of the Wounded and Sick and Shipwrecked members of the Armed Forces at Sea	Succeeded on 18 August 1970	Geneva Conventions Act
3. **1949 Geneva Convention III** relative to the Treatment of prisoners of War	Succeeded on 18 August 1970	Geneva Conventions Act

Treaty	Ratification/ Accession/ Succession	Domestic legislation enacted
4. **1949 Geneva Convention IV** relative to the Protection of Civilian Persons in Time of War	Succeeded on 18 August 1970	Geneva Conventions Act
5. **1977 Protocol I** – Additional to the 1949 Geneva Convention relating to the Protection of Victims of International Armed Conflict	Acceded on 22 March 1982	Geneva Conventions (Amendment) Act 2003
6. **1977 Protocol II** – Additional to the 1949 Geneva Convention relating to the Protection of Victims of Non-International Armed Conflicts	Acceded on 22 March 1982	Geneva Conventions (Amendment) Act
B. **The Biological Weapons Conventions** 1972 Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction	Signed on 10 April 1972 Ratified on 7 August 1972	Biological and Toxin Weapons Convention Act
C. Chemical Weapons Convention on the Prohibition of the Development, Production Stock-piling and Use of chemical Weapons and their Destruction	Ratified on 9 February 1993	Chemical Weapons Convention Act
D. **The C C W and its Protocols**		
1. **1980 Convention on Prohibitions or Restrictions on the Use of Certain conventional Weapons (C C W)** which may deemed to be Excessively Injurious or to Have Indiscriminate Effects	Acceded on 6 May 1996	Draft Bill under consideration
2. **1980 Protocol I** on the Non-Detectable Fragments	Acceded on 6 May 1996	Draft Bill under consideration
3. **1980 Protocol II** on the Prohibitions and Restrictions on the Use of Mines, Booby-traps and other Devices	Acceded on 6 May 1996	Draft Bill under consideration
4. **1980 Protocol III** on Prohibitions or Restrictions on the Use of Incendiary Weapons	Acceded on 6 May 1996	Draft Bill under consideration
5. **1995 Protocol IV on Blinding Laser Weapons**	Acceded on 6 May 1996	Draft Bill under consideration
E. **The Ottawa Treaty** 1972 Ottawa Convention on the prohibition of the Use of Stockpiling, Production and Transfer of Anti-Personnel Mines and on their destruction	Acceded on 24 December 2002	Anti-Personnel Mines (Prohibition) Act

		Date Ratified, Accepted, Succeeded	Domestic Legislation enacted
I.	**The Rome Statute** 1998 Rome Statute for the International Criminal Court	Signed on June 1998 Ratified on 5 March 2002	International Criminal Court Act
G.	**The Convention on the Rights of the Child** **The 2000 Optional** protocol on the involvement of children in armed conflict	Signed on 11 November 2001 Ratified on 12 February 2009	
H.	**Convention for the Protection of Cultural property in the event of Armed Conflict**	Ratified on 22 December 2006	Draft Amendment Bill under preparation

B. Legal framework for the protection of human rights at national level

The Constitution

40. Fundamental human rights and freedoms of the individual are entrenched in Chapter II of the Constitution of Mauritius. The Constitution makes provision under section 17 for redress to be afforded by the Supreme Court to any individual whose rights under Chapter II have been, are being or are likely to be contravened.

National legislations

41. New law have also been enacted since the last review of Mauritius to better guarantee the protection of human rights. These include the following:

(i) The Combating of Trafficking in Persons Act, which was proclaimed on 30 July 2009, has amongst its main objectives to give effect to the United Nations Protocol to Prevent, Suppress and Punish Trafficking in persons, prevent and combat trafficking in persons, and protect and assist victims of trafficking. It provides for repatriation of victims of trafficking, and return of victims of trafficking to Mauritius, as well as compensation to victims of trafficking.

(ii) The International Criminal Court Act, which came into force on 15 January 2012, provides for the effective implementation of the Rome Statute of the International Criminal Court in Mauritius, ensures the fulfilment of the obligations of Mauritius under the Statute and provides for the jurisdiction of the Mauritian Courts to try persons charged with international crime. It lays down the procedure for the surrender of persons to the International Criminal Court and for other forms of cooperation with that body.

(iii) The Equal Opportunities Act, which was proclaimed on 1 January 2012, ensures better protection against discrimination as it prohibits both direct and indirect discrimination on the grounds of age, caste, creed, ethnic origin, impairment, marital status, place of origin, political opinion, race, sex or sexual orientation. The Equal Opportunities Act applies to employment activities, education, provision of goods and services, accommodation, the disposal of immovable property, companies, partnerships, "sociétés", and registered associations, clubs and access to premises which the public may enter or use and sports. It also applies to both the public and private sectors and includes within its ambit sexual harassment. Discrimination by victimisation is also prohibited.

(iv) The Protection of Human Rights (Amendment) Act which was passed in 2012 has reviewed the functions of the National Human Rights Commission (NHRC) so as to enhance its role as a key institution in the protection and promotion of human rights at the national level and also provide for the setting up, within the NHRC, of a Human Rights Division, a Police Complaints Division and a National Preventive Mechanism Division. The functions of the Commission equally include the promotion of the harmonisation of national legislation and practices with the international human rights instruments to which Mauritius is a party, and ensuring their effective implementation.

(v) The Police Complaints Act which was passed in 2012 provides for the setting up, within the NHRC, of a Police Complaints Division which investigates into complaints made against members of the Police Force, other than allegations of corruption and money laundering. Provision is equally made for the Division, upon completion of an investigation, to make recommendations to the relevant authority for appropriate action to be taken, including the institution of criminal or disciplinary proceedings or award of compensation. The Division can also investigate into the death of a person occurring in police custody or as a result of police action and advise on ways in which any police misconduct may be addressed and eliminated.

(vi) Similarly, the National Preventive Mechanism Act which was passed in 2012 aims at giving effect in Mauritius to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. It provides for the setting up, within the NHRC, of a National Preventive Mechanism Division and enables the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to discharge its functions under the Optional Protocol in Mauritius. The National Preventive Mechanism Division, which is chaired by a Vice-Chairperson, inter-alia, sensitises prisons officers on the need for a human rights approach towards detainees, during meetings and visits to Prisons. The Istanbul Protocol is used as a reference document and source of materials for training. Furthermore, the other functions of the National Preventive Mechanism Division include the conduct of thorough investigations into allegations of violence against detainees.

(vii) The Legal Aid Act was amended in 2012 and is now known as the Legal Aid and Legal Assistance Act. It extends the provision of legal assistance and now provides in line with the recommendations of the Residential Commission chaired by Lord Mackay, for legal assistance and legal aid to be available to a wide range of persons in need. Legal assistance in the form of free legal advice and counselling at the policy enquiry stage and free legal representation at bail applications, is now available in prescribed circumstances.

(viii) The Criminal Code was amended in 2012 to provide for the termination of pregnancies in specified circumstances, namely where: (a) the continued pregnancy will endanger the pregnant person's life, (b) the termination is necessary to prevent grave permanent injury to the physical or mental health of the pregnant person, (c) there is a substantial risk that the continued pregnancy will result in a severe malformation, or severe physical or mental abnormality of the foetus as assessed by the appropriate medical specialists or (d) the pregnancy has not exceeded its fourteenth week and results from a case of rape, sexual intercourse with a female under the age of 16 or sexual intercourse with a specified person which has been reported to the police or a medical practitioner. Consequential amendments have also been brought to the Medical Council Act.

(ix) The Criminal Appeal Act was amended in 2013 with a view to enabling the referral of convictions of accused parties, in specific cases, to the Court of Criminal Appeal for a review of the proceedings relating to the conviction. In fact, a person convicted before the Supreme Court may apply for the review of the proceedings relating to his conviction. The Act now provides for the Director of Public Prosecutions (DPP) to be able to make an

application for review of the proceedings relating to an acquittal. Furthermore, the Human Rights Division of the National Human Rights Commission may, upon application made to it by a person or his representative, refer the conviction to the Court for a review of the proceedings relating to the said conviction. The referral is however subjected to the conditions as laid down under Section 19A of the Act. Where the Court is satisfied that there is (a) fresh and compelling evidence in relation to the offence or a lesser offence; and (b) it is likely that the retrial will be fair, having regard to the circumstances, including the length of time since the offence is alleged to have been committed, the court has the power to (a) grant the application, (b) quash the conviction or acquittal; (c) order that the person be retried for the offence for which he was originally charged or a lesser offence; and/or (d) may make such other order as it considers appropriate, as the case may be.

(x) The Criminal Procedure Act was amended in 2007 to allow persons convicted of mandatory minimum sentences to apply for the review of their sentence before the Supreme Court. Over and above the provisions of this Act, the Supreme Court also hears appeals on review of sentences. One of the authority judgments in this matter is the case of *Dookee Ajay v. State of Mauritius* (2011 PRV 26) wherein the Judicial Committee of the Privy Council held that the period spent on remand should be taken into account for the purposes of sentencing. There are several other cases which have now applied this principle. The case of *Sukkun v. The State of Mauritius* (2014 SCJ 44) is one of them. In this case the court applied the reasoning adopted in the case of *Dookee Ajay v. State of Mauritius* (2011 PRV 26) and granted that 80% of the time spent on remand was to be deducted from the sentence. In the recent case of *Luchun D. v. The State of Mauritius and Anor* (2015 SCJ 254), the court took the view that 100% of the time spent on remand should be reckoned as part of the sentence. The court held in this case that "the relatively old age of the applicant taken together with his failing health and the fact that his wife has a severe medical condition (as per paragraph 18 of applicant's affidavit) which must surely have an effect on the practical exercise of the right to visit, we are of the view that there is sufficient evidence on record to justify us to exercise our discretion to grant a 100% discount for the time that the applicant has spent on remand." However it may be noted that the issue of whether the period spent in remand should as a rule be reckoned as served sentence or not, is presently before the Judicial Committee in the case of Liyakkat A. Polin.

C. Framework within which human rights are promoted at the national level

42. Human rights are promoted at the national level through the national human rights institutions, the dissemination of the human rights instruments to the population and awareness campaigns and educational programmes as follows:

Role of national human rights institutions

43. (i) The Office of the Ombudsman is provided for under Section 96 of the Constitution. It addresses issues arising from alleged maladministration in the public sector and wrongs that may be found to have been committed. The Ombudsperson does so through independent, objective and impartial investigations. Statistics from the Office of the Ombudsman for years 2014 and 2015 are as follows:

Cases dealt with	450	389
Cases rectified	117	104
Cases not justified	25	18
Cases explained	194	142
Cases discontinued	32	22
Cases not investigated	5	1
Cases not entertained	1	-
Cases pending as at 31 December 2014 & 2015	76	102

Source: Office of the Ombudsman

44. In principle, for complaints falling outside the jurisdiction of the Office of the Ombudsman, the complainants are informed accordingly and are directed to the authority concerned.

45. (ii) The National Human Rights Commission was established under the Protection of Human Rights Act 1998. It was granted accreditation by the International Coordination Committee of National Human Rights Institutions in 2002, re-accredited "Status A" in 2008 and 2013. The Commission has now been restructured so as to align its functions with the Paris Principles and enhance its role as a key institution in the protection and promotion of human rights at the national level. The Commission has now three divisions, namely, the Human Rights Division, the Police Complaints Division and the National Preventive Mechanism Division to which any alleged violation of human rights can be reported to by any individual or group of individuals. The Commission is composed of a Chairperson and three Vice-Chairpersons. Each of the Division is headed by one of the Vice-Chairpersons and two other members. Statistics of some of the cases heard by the National Human Rights Commission for period 2011 to 2015 are as follows:

Year	No. of Complaints	Disposed of	Pending	Complaints relating to Police Force
2011	23	23	-	Nil
2012	34	34	-	Nil
2013	110	32	78	Nil
	229*	229	-	
2014	168	56	112	2
2015	120	59	61	-

* Transferred from the Complaints Investigation Bureau (CIB) of the Police. Prior to 2013 the complaints were being investigated by the CIB.

46. (iii) The Office of the Ombudsperson for Children was established in 2003 and became operational in 2004. It is the first of its kind in Africa. The objectives of the Office are to ensure that the rights, needs and interests of children are given full consideration by public bodies, private authorities, individuals and associations of individuals, promoting the rights and interests of children; and to ensure compliance with the Convention on the Rights of Children, to which Mauritius is a party.

47. (iv) The Equal Opportunities Commission was established on 24 April 2012 under the Equal Opportunities Act. It not only examines and investigates into complaints referred to it but equally investigates into cases where it believes that an act of discrimination may have been or may be committed.

48. In April 2013, the Equal Opportunities Commission issued the Guidelines for Employers under section 27(3)(f) of the Act. The Guidelines came into effect on 15 April 2013. In line with section 9 of the Act, every employer employing more than 10 employers on a full-time basis is required to draw up and apply an equal opportunity policy in line with the guidelines and codes issued by the Commission. Furthermore, the Equal Opportunities Commission has published guidelines and codes of conduct for all employers of the public and private sectors in view of the implementation of an equal opportunity policy by all employers which is a mandatory requirement under the Equal Opportunities Act.

49. Cases which are not resolved by the Commission are referred to the Equal Opportunities Tribunal which has also been set up under the Act. Whilst the mandate of the Equal Opportunities Commission is to work towards the elimination of discrimination and the promotion of equality of opportunity and good relations between persons of different status, the Equal Opportunities Tribunal has the power to issue interim orders, directives and compensatory orders up to MUR Rs.500,000. Failure to comply with an order or directive of the Equal Opportunities Tribunal may give rise to the commission of an offence punishable by a fine of a maximum of MUR Rs. 100,000 and to imprisonment for a term not exceeding 5 years. Below are some statistics concerning complaints dealt with by the Commission for the period April 2012-December 2015:

Number of complaints lodged as at end of December 2015	1471
Number of hearings in Rodrigues	106
Number of hearings held in Mauritius	701
Number of complaints examined by the Commission	1386
Number of complaints not under purview of the Act	290
Number of complaints time barred	86
Number of complaints withdrawn	85
Number of complaints under Investigation	204
Number of complaints in which there was no evidence of discrimination	331
Number of complaints where additional information is being sought	360
Number of complaints referred to Equal Opportunities Tribunal	6
Number of complaints referred to other Instances	14
Number of complaints conciliated/settled	95

Dissemination of human rights instruments

50. The Prime Minister's Office published and launched a National Human Rights Action Plan 2012-2020 in October 2012. The Action Plan sets out the following goals and objectives:

(i) Reinforcing international co-operation on Human Rights;

(ii) Strengthening the National Human Rights Framework;

(iii) Protecting and safeguarding civil and political rights;

(iv) Securing greater realisation of economic, social and cultural rights;

(v) Securing Women's Rights in the context of Gender Equal Opportunities;

(vi) Securing the rights of the Youth;

(vii) Better protecting and securing rights of vulnerable persons;

(viii) Securing the Right to Sustainable Development;

(ix) Enhancing Human Rights Education and awareness; and

(x) Encouraging and facilitating greater involvement of civil society and the business sector in general, in the promotion and protection of Human Rights.

51. The Action Plan makes an assessment of what Mauritius has achieved in terms of protection and promotion of human rights as per the requirements of international conventions and national law, and charts the way forward. One of the main recommendations of the National Human Rights Action Plan was the setting up of a Human Rights Monitoring Committee chaired by the Prime Minister's Office and consisting of stakeholders from relevant Ministries and Departments, National Human Rights Institutions, non-governmental organisations dealing with human rights as well as the private sector. The role of the Committee is to ensure the implementation of the Action Plan. The Action plan can be viewed at http://humanrights.govmu.org.

52. The Monitoring Committee has been set up in 2013 and meets at least thrice a year to take stock of progress achieved on the implementation of recommendations made. A first progress report published in December 2014 in which it was noted that implementation of at least 82% of the recommendations have started and reached different stages of implementation.

Promotion of human rights awareness through educational programmes and Government-sponsored public information

53. The Prime Minister's Office which has the responsibility for the portfolio of Human Rights has since 2011 embarked on sensitisation and training programmes targeting the whole population. Some of the programmes covering aspects of civil and political rights are as follows:

(i) The Prime Minister's Office in collaboration with the Ministry of Public Infrastructure, the National Development Unit, the National Human Rights Commission, the Ombudsperson for Children, and the Equal Opportunities Commission have carried out sensitisation sessions on human rights in all Citizen's Advice Bureaus around the island. Some 4160 participants from NGOs, women's associations, vulnerable groups have so far been sensitised.

(ii) The Prime Minister's Office in collaboration with the Ministry of Youth and Sports, the National Human Rights Commission and the Equal Opportunities Commission has implemented a Human Rights Education Programme in all youth centres around the island reaching out about 500-750 youths each year. The Human Rights Education Programme was conducted in 4 sessions whereby emphasis was laid on, inter alia, the basic Human Rights, Human Rights treaties to which Mauritius is a party, the Constitution of the Republic of Mauritius and on Human Rights Institutions. Resource persons include personnel of the Equal Opportunities Commission, the Mauritius Police Force, Lawyers, and the Ombudsperson for Children. Around 1555 youths have been reached through this programme from 2011 to 2015.

(iii) With a view to promoting human rights through teaching and education, the Commonwealth Secretariat was approached by the Prime Minister's Office to ensure the integration of human rights across the curriculum at pre-primary, primary and secondary levels. The terms of reference have been finalised through a joint collaboration between the Prime Minister's Office, the Ministry of Education and Human Resources, Tertiary Education and Scientific Research and the Commonwealth Secretariat. Curriculum materials have already been prepared by the Commonwealth Secretariat. A validation workshop on the document has been held with different stakeholders in April 2015. A capacity building workshop on the toolkit for Educators was organised by the Commonwealth Secretariat in January 2016 and the programme has now started in Form I classes on a pilot basis.

(iv) At tertiary level, Human Rights Education already forms part of the curriculum of LLB courses at the University of Mauritius. An LLM course in International Human Rights Law has also been introduced as from academic year 2013-2014.

(v) Human Rights are also an essential component in the training of Police and Prison Officers. The Prison Authorities have worked out a new Prison Bill which has been submitted to the Prime Minister's Office for discussion. The Prison Bill is also making provisions for the implementation of Human Rights recommendations related to Prison Management.

Promotion of human rights awareness through the mass media

54. Promotion of human rights through the mass media is done as follows:

(i) The Prime Minister's Office in collaboration with the National Human Rights Commission and the Mauritius Broadcasting Corporation presented a series of TV programme on Human Rights in order to sensitise the population about their rights in 2013 and 2014. The programme was previously broadcasted once every fortnight. As from August 2015, the programme is being broadcasted on a weekly basis.

(ii) To provide for better information on human rights, a Human Rights Portal has been developed in collaboration with the National Computer Board. The Portal (http://humanrights.govmu.org) aims at:

(a) Informing all stakeholders about the human rights status and strategy of the Republic of Mauritius;

(b) Lending support to policy makers, trainers in human rights and students in terms of database on human rights indicators;

(c) Acting as a platform for training and sensitisation; and

(d) Acting as a communication tool between all human rights stakeholders.

D. Reporting process at the national level

55. The National Monitoring Committee on Human Rights as established under the aegis of the Prime Minister's Office comprises representatives of various ministries and non-governmental organisations, and has among other functions to monitor the implementation of the National Human Rights Action Plan 2012-2020 and the progress made in relation to the periodic reporting obligations under the international human rights instruments to which the country is a party to.

56. The Prime Minister's Office puts up a draft national periodic report after taking into account relevant information communicated by all stakeholders, namely, ministries, departments, national human rights institutions and non-governmental organisations,

among others, through a consultative process (e.g. meetings, workshops). The follow up on the Concluding Observations of each treaty body is also done by the Prime Minister's Office in collaboration with all stakeholders.

57. A Database of Human Rights Indicators has also been developed in collaboration with the University of Mauritius and Ministries/Departments concerned to monitor progress regarding recommendations made by the various Human Rights Committees. However, at the stage of implementation it has been brought to the attention of the Prime Minister's Office that difficulties were being encountered in relation to the identification and use of the appropriate indicators at the level of some ministries. The Commonwealth Secretariat and the UNDP have been requested to assist in the conduct of appropriate training sessions/capacity building for ministries' staff in the use of this monitoring tool.

58. In 2013, during the last Universal Periodic Review exercise of Mauritius before the Human Rights Council, 72 countries participated in the interactive dialogue. 150 recommendations were thereafter made by the Council to the country. Mauritius has proposed to submit a mid-term report on a voluntary basis to the Human Rights Council during the first quarter of 2016.

III. Information on non-discrimination and equality and effective remedies

59. The Constitution of Mauritius firmly establishes the right of every citizen to be treated equally and to live a life free from discrimination. It prohibits discrimination on *inter alia*, the ground of caste, colour, creed, sex and race. It also provides that no law shall be discriminatory either in itself or in its effect. Section 3 of the Constitution entitled "Fundamental rights and freedoms of the individual" reads as follows:

> "It is hereby recognised and declared that in Mauritius there have existed and shall continue to exist without discrimination by reason of race, place of origin, political opinions, colour, creed or sex, but subject to respect for rights and freedoms of others and for the public interest, each and all of the following human rights and fundamental freedoms:
>
> (a) the right of the individual to life, liberty, security of the person and the protection to the law;
>
> (b) freedom of conscience, of expression, of assembly and association and freedom to establish schools; and
>
> (c) the right of the individual to protection for the privacy of his home and other property and from deprivation of property without compensation,
>
> and the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained in those provisions, being limitations designed to ensure that the enjoyment of those rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest."

60. Section 16 of the Constitution, inter alia, provides that "no law shall make any provision that is discriminatory either of itself or in its effect". The term "discriminatory" is defined as "affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, caste, place of origin, political opinions, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages that are not accorded to persons of another such

description". Section 17 of the Constitution provides that a citizen who alleges that his right under Chapter II of the Constitution is being or is likely to be contravened, may apply to the Supreme Court for redress.

61. The Criminal Code also makes provisions for offences, and related penalties, in relation to discrimination in general:

- Section 183 "Interference with freedom of conscience" provides for a fine not exceeding 100,000 rupees, and by imprisonment for a term not exceeding 2years;
- Section 184 "Disturbing religious ceremony" provides for a fine not exceeding 100,000rupees and imprisonment for a term not exceeding 2 years;
- Section 185 "Outrage on religious worship" provides for a fine not exceeding 100,000 rupees, and imprisonment for a term not exceeding 2 years;
- Section 206 "Outrage against public and religious morality" provides for imprisonment for a term not exceeding 2 years and to a fine not exceeding 100,000 rupees;
- Section 282 "Stirring up racial hatred" provides under subsection (1) for a fine not exceeding 100,000 rupees and penal servitude for a term not exceeding 20 years and under subsection (2) for a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 4 years;
- Section 283 "Sedition" is an offence committed by any person who, by any means specified in Section 206 - (a) holds or brings into hatred or contempt, or excites disaffection towards, the Government or the administration of justice; (b) raises discontent or disaffection among the citizens of Mauritius or promotes feelings or ill will and hostility between different classes of such citizens. The penalty provided for is imprisonment for a term not exceeding 2 years and a fine not exceeding 100,000 rupees;
- Section 286 refers to "Importing seditious publication";
- Section 287 relates to "Suspending publication of newspaper containing seditious publication";
- Section 287A concerns "Prohibiting circulation of seditious publication";
- Section 287B lists the penalties for seditious publication under Sections286, 287 and 287A and provides that under these Sections, no person shall be prosecuted unless upon an information by the Director of Public Prosecutions and any such person shall on conviction, be liable to a fine not exceeding 100,000 rupees and to imprisonment for a term not exceeding 2 years.

62. The mandate of the Equal Opportunities Commission is to work towards the elimination of discrimination and the promotion of equality of opportunity and good relations between persons of different status. The Commission is mandated to address complaints alleging discrimination on the basis of one or more of the 12 protected grounds under the law. Such complaints may emanate from individuals, a group of persons, corporate bodies or they may even be anonymous. Very often, complainants seek information from the Commission before lodging the complaint.

63. The Commission provides assistance to the public in understanding the principles of the Act and its procedural aspects. When the complaint is lodged, there is a preliminary examination of the said complaint by the Members of the Commission. At this stage, the complainant is very often called at the seat of the Commission for a preliminary hearing so as to enable the Commission to gather more information as to the allegations made. It is apposite to note that even if *ex facie* it would appear that there is no sufficient evidence to

find that a complaint is well-founded, the Commission does not reject the complaint outright. The complainant is given the opportunity to provide the Commission with further evidence or is requested to particularise the status upon which he/she feels discriminated.

64. The same procedure is adopted where, ex facie, the complaint appears to be time barred. The Commission invites the complainant to show good cause for the timeline to be extended. Albeit increasing the workload and being heavily time consuming, such a process is systematically adopted as it is believed that the Commission has a social mission to achieve. Therefore, following a preliminary examination of the complaint, if the Commission finds that there is no sufficient evidence of discrimination even after gathering more information from the complainant, no further action is taken on the complaint. If the Commission is of the view that there is sufficient evidence to proceed, the alleged discriminator is called in with a view to ascertaining prospects of conciliation in the first instance, without delving into the merits of the case. This, very often enables an early settlement of the case, thereby avoiding a lengthy, time-consuming and costly process. Should the alleged discriminator be unwilling to reconcile, but the complaint appears to be well-founded, the Commission carries out a full-fledged investigation.

65. Following the investigation, it may still be found that there is no evidence of discrimination, in which case, the complaint is set aside. If on the completion of the investigation, the Commission finds, on a balance of probabilities, that there is discrimination on the basis of one of the protected grounds under the law, a final attempt at conciliation is made. A report containing the recommendations of the Commission is sent to the parties whilst at the same time inviting them to attempt conciliation. If no settlement is reached within 45 days, the Commission may then, with the consent of the complainant, refer the matter to the Tribunal.

66. In April 2013, the Equal Opportunities Commission issued Guidelines for Employers under section 27(3)(f) of the Act which, inter alia, informs that, as per section 9 of the Act, every employer employing more than 10 employees on a full-time basis is required to draw up and apply an equal opportunity policy in line with the guidelines and codes issued by the Commission.

67. Whilst the mandate of the Equal Opportunities Commission is to work towards the elimination of discrimination and the promotion of equality of opportunity and good relations between persons of different status, the Equal Opportunities Tribunal has the power to issue interim orders, directives and compensatory orders up to MUR Rs 500,000. Failure to comply with an order or directive of the Equal Opportunities Tribunal may give rise to the commission of an offence punishable by a fine of a maximum of MUR Rs 100,000 and to imprisonment for a term not exceeding 5 years.

68. The Equal Opportunities Commission has since its inception dealt with more than 1400 cases lodged by either individuals or by group of individuals seeking redress as to cases of discrimination. However, the Commission has had also a number of cases of frivolous, vexatious and unfounded nature from complainants. The population is being sensitized by the Commission with regards to lodging of complaints before it.

69. To prevent the internet being used for the dissemination of discriminatory or racist messages, the Information and Communication Technologies Act prohibits the use of an information and communication service in the following circumstances:-

(a) The transmission or reception of a message which is grossly offensive, or of an indecent, obscene or menacing character; or

(b) For the purpose of causing annoyance, inconvenience or needless anxiety to any person; and

(c) The transmission of a message which is of a nature likely to endanger or compromise State defence, public safety or public order.

70. A Truth and Justice Commission which came into operation on 20 March 2009 was set up under the Truth and Justice Commission. The Truth and Justice Commission was empowered to conduct inquiries into slavery and indentured labour during the colonial period in Mauritius, determine appropriate measures to be extended to descendants of slaves and indentured labourers, enquire into complaints made by persons aggrieved by dispossession or prescription of any land in which they claim to have an interest and prepare a comprehensive report of its activities and findings based on factual and objective information and evidence. The Commission submitted its report to the President of the Republic on 25 November 2011.

71. A Ministerial Committee has been set up to consider the recommendations contained in the Report and has so far initiated the following actions:-

(a) The setting of a Land Research and Mediation Unit to continue research on possible dispossession of land;

(b) Send the Interim Report regarding cases where there are sufficient evidence of land dispossession to the Attorney General's Office for advice as to the way forward; and

(c) Requested the Ministry of Arts and Culture to identify land for the construction of a Slave Museum, and start acquiring exhibits to be displayed therein.

Protection of persons with disabilities

72. Mauritius ratified the UN Convention on the Rights of Persons with Disabilities (UNCRPD) in January 2010. Government's vision is that all citizens should have equal opportunities and that no discrimination should exist in the society.

73. In Mauritius, the employment of persons with disabilities is specifically regulated by the Training and Employment of Disabled Persons Act (TEDP Act). Section 13 of the Act imposes on every employer, having a workforce of 35 or more workers, a duty to employ such number of persons with disabilities as is specified in Part I of the Schedule to the Act. The Schedule provides that the percentage of persons with disabilities employed out of the total workforce should be at least 3%. This legislation applies also to Parastatal Bodies, Statutory Boards and Committees and Companies in which Government is a shareholder. The Act was amended in 2012 to:-

(a) Better provide for the enforcement of the Act with a view to promote the access of persons with disabilities to employment;

(b) Provide for the setting up of a Hearing Committee which shall be vested with the responsibility to determine the contribution of employers and the exemptions from the Act; and

(c) Increase the fine provided for non-compliance with the Act.

74. The Building Control Act which was passed in 2012 provides for enhanced accessibility for all categories of persons with disabilities to public infrastructure. Also, a new Copyright Act came into operation on 31 July 2014, domesticating the provisions of the 2013 Marrakech Treaty by making provisions inter alia for blind persons to have access published works in an accessible format.

75. The Excise Act has been amended by way of the Excise (Amendment of Schedule) (No.3) Regulations 2013 which came into force on 25 October 2013, to provide for duty exemptions for the purchase of a motor car to new categories of persons, i.e. other than deaf

or blind persons. Thus, parents of a child with disability under the age of 18 years and with 100% orthopaedic disability, as certified by the Medical Board of the Ministry responsible for the subject of social security are eligible for the purchase. As from 2015, the age limit of 18 years has been removed.

76. Under the amendments of the Excise Act, qualifying parents who reside in Mauritius will be able to purchase a motorcar of a kind specifically designed for the conveyance of a person with disability of an engine capacity not exceeding 1,450 cc. The duty payable on such a car will be 15%. Qualifying parents who reside in the Island of Rodrigues will be able to purchase a motorcar of a kind specifically designed for the conveyance of a person with disability of an engine capacity not exceeding 1,450 cc with 15% duty payable or a double space cabin vehicle with 5% duty payable. This concession is granted once in every 7 years. Where the Director-General of the Mauritius Revenue Authority is satisfied that the motor car or double space cabin vehicle is damaged in an accident and is a total loss, he may grant concession for a replacement car.

77. In addition, Government provides a wide array of social benefits to persons with disabilities, for example:-

(a) Social Aid: people who have a disability of 60% benefit from a Basic Invalidity Pension. If they are severely disabled, they benefit from a Carer's Allowance on top of their Invalidity Pension;

(b) Free provision of assistive devices: assistive devices such as wheelchairs and hearing aids are provided free of charge to persons with disabilities;

(c) Service to Mauritius Programme: with a view to combating unemployment among persons with disabilities, paid placement are reserved for unemployed graduates with disabilities in Ministries and Departments;

(d) Loan Scheme to persons with disabilities: the Employees Welfare Fund provides a concessionary loan with 4% rate of interest to persons with disabilities to purchase adapted equipment, adapted vehicles and retrofitting at homes;

(e) Access to ICT: the Lois Lagesse Trust Fund provides ICT training and access to up to date equipment to blind persons. The Ministry of Education and Human Resources provides free Braille computers to visually impaired students;

(f) Duty-free facilities are provided to eligible persons with disabilities to purchase cars; and

(g) Free parking coupons are provided to eligible persons with disabilities.

78. A Protocol of collaboration between the Ministry of Gender Equality, Child Development and Family Welfare and the Ministry of Social Security, National Solidarity and Reform Institutions has been signed on 09 June 2015. Under the Protocol, the Disability Unit of the Ministry of Social Security, National Solidarity and Reform Institutions shall, *inter alia*:

- Assist in removing children with disabilities victims of violence to places of safety;
- Provide specialized services, sign language interpreter, and assistive devices as appropriate to children with disabilities victims of violence;
- Carry out sensitization and awareness for prevention and rehabilitation of children victims of violence including children with disabilities;
- Carry out training and capacity building of carers, parents, staff at Day Care Centres, specialized schools and NGOs, to better identify abuse on children with disabilities.

79. The Ministry of Social Security, National Solidarity and Reform Institutions also aims at a better integration of children with disabilities and provides several facilities such as:-

(a) A scholarship scheme to encourage children with disabilities to pursue secondary and tertiary studies;

(b) Refund of bus fares to parents accompanying disabled children to school and refund of taxi fares to severely disabled students attending University; and

(c) Provision of large print and Braille facilities to blind children integrated in mainstream institutions.

80. In order to bring inclusive, quality and free primary and secondary education to children with disabilities, the Ministry of Education and Human Resources, Tertiary Education and Scientific Research has taken, inter alia, the following measures:-

(a) The setting up Integrated Units in mainstream primary schools around the island with a view to reaching out to children with special education needs. There are at present 14 such Integrated Units;

(b) Schools are being retrofitted with ramps to facilitate access to classrooms on a phased manner;

(c) All new secondary schools are being provided with ramps and adapted sanitary conveniences;

(d) Children with hearing impairment are provided with special teachers/interpreters in the mainstream secondary schools with the active collaboration of non-governmental organisations; and

(e) Facilities of carers are provided in primary and secondary mainstream schools to enable children with disabilities to move around the school compound and to participate actively in academic activities.

81. However, Government is aware that there is still more to be done for the integration of persons with disabilities in the mainstream and, as enunciated in the Government Programme 2015-2019, Government intends to:- (i) amend sections 3 and 16 of the Constitution to include the concept of disability under these two sections and introduce a Disability Bill to provide further protection to persons with disabilities; (ii) encourage access to Tertiary Education for students from low income families and students with disabilities; and (iii) create a Rehabilitation Centre to cater for patients with disabilities following accidents and surgeries.

Protection of elderly persons

82. All elderly persons aged 60 and above, satisfying residency requirements, are eligible for a Universal Basic Retirement Pension. Moreover needy elderly persons receive other allowances under the Social Aid Act as well as benefits in kind. The elderly also enjoy free transport facilities by bus.

83. The Protection of Elderly Persons Act was enacted in 2005 and proclaimed in 2006, providing *inter alia* for a Protection of the Elderly Network, an Elderly Watch in every region designated by the Monitoring Committee for the Elderly, an Elderly Persons Protection Unit for a better protection to be afforded to the elderly. Awareness and sensitisation campaigns are ongoing among youth, women and elderly. Some 7533 cases of abuses against the elderly have been reported to the Ministry since 2006 and most of the cases are dealt through counselling, mediation and family conferencing.

84. With a view to eliminating cases of abuse on the elderly, the Ministry of Social Security, National Solidarity and Reform Institutions has started to implement the following new measures to improve the security and protection of the elderly:-

(a) The Protection of Elderly Persons Act 2005 is being reviewed to reinforce the protection of the elderly;

(b) Relevant legislations are being strengthened to ensure that Residential Care Homes are equipped with C.C.T.V. Cameras. These institutions will also be required to ensure the presence of a full-time medical practitioner and recruit qualified and trained carers, as well as a psychologist; and

(c) A National Strategy Paper on Ageing 2016-2020 is being finalised.

85. The Ministry of Social Security, National Solidarity and Reform Institutions has also taken, *inter alia*, the following measures to improve the well-being of the elderly :-

(a) A Senior Citizens Council has been set up under the Senior Citizens Council Act. The Council has a network of Senior Citizens Associations in Mauritius which receive a yearly grant from Government to organise educational, leisure and cultural activities at regional level;

(b) Provision of residential recreational activities at a highly subsidised rate in Recreational Centres for the Elderly and the Disabled;

(c) Legal Counselling on Property Rights; and

(d) Training of Carers to look after the elderly.

86. An "Observatory" on Ageing has been set up to carry out action-oriented research on the socio-economic aspects of ageing. The first report was submitted in April 2014 on the following themes: (i) Housing; (ii) Protection; (iii) Health (Alzheimer's disease and Dementia); and (iv) Leisure and Recreational facilities.

87. It is also observed that more and more elderly persons are living alone. To further protect this category of citizens, concerned Ministry intends to start a Special Support Care Service to elderly persons with disabilities and those living alone as part of its strategy to provide a "service de proximite" to them.

Protection of the vulnerable groups

88. The problem of poverty is an issue which cuts across all components of society and does not affect a specific community. From a survey conducted by the National Empowerment Foundation, there were some 10,200 households, that is, approximately 40,000 persons, living below the poverty line set at Rs 6,200 per household per month as at 31 December 2012. Poverty in Mauritius based on the relative poverty line (half median monthly income) is at 7.9% although on the basis of the USD 1 definition it is less than 1%. Poverty in the country is largely structural and is not correlated with economic opportunity to earn income. The complete eradication of poverty is another challenge that Government in collaboration with all stakeholders is trying to overcome. Since 2006, various programmes have been put in place to eliminate/alleviate poverty as given hereunder.

Creation of a Ministry of Social Integration and Economic Empowerment

89. In May 2010, Government created the Ministry of Social Integration and Economic Empowerment which has as main objective to eradicate absolute poverty. A three pronged strategy has been adopted and includes three main programmes, namely the Social Housing and Community Empowerment, Child Development and Family Welfare and Training and Placement. The National Empowerment Foundation, the executive arm of the Ministry, is

already implementing a package of programmes with a holistic framework so as to provide immediate support to vulnerable groups, foster integrated community development, enable re-skilling of the unemployed and promote development of income generated activities.

90. The Ministry of Social Integration and Economic Empowerment is compiling a national database of vulnerable households living below the poverty threshold through the Social Register of Mauritius (SRM), with a view to ensuring that only deserving families will henceforth benefit from the services provided by the National Empowerment Foundation. These families will be constantly monitored and provided with the required empowerment support. This measure is expected to instill a fair and transparent process and at the same time ensure judicious use of public funds. It will also enable the Ministry to monitor the number of households in the process of moving out of the poverty trap. A Monitoring and Evaluation Unit has been set up at the level of the said Ministry to evaluate the impact of the pro-poor projects and programmes.

91. Corporate Social Responsibility (CSR) is the concept whereby companies act to balance their own economic growth with the sustainable social and environmental development of their areas of operation. A company performing highly in CSR is one that goes beyond compliance with the legal framework to actively pursue positive impacts on local communities and its environmental footprint. The Government of Mauritius has established a policy with the overall objective of mandating registered companies to pay 2% of their book profit towards programmes that contribute to the social and environmental development of the country.

92. In the Budget Speech 2015, a new concept, namely, "parrainage", has emerged whereby, institutions that are contributing to CSR will be allowed to take under their wings those unsustainable pockets of poverty in our country. The concept of "parrainage" makes provision for the medium and long term development in pockets of poverty. Companies are now free to allocate the 2 per cent of CSR according to their own set of priorities. Implementation of the project which includes the following has already started:

- Improving living conditions generally;
- Raising the level of employment;
- Curbing social ills;
- Ensuring that all children attend school and develop fully their talents;
- Creating sports and leisure facilities; and
- Improving quality of life generally.

93. At the strategic level, a Poverty Observatory to be set up in 2015 will serve as a permanent platform for all relevant stakeholders to sustainably address poverty in all its forms. It will also act as an advocacy group in the fight against poverty and create linkages with the SADC Regional Poverty Observatory for sharing of information and best practices.

94. There still remain a few challenges that the Ministry has to address to be able to implement its poverty eradication projects and programmes. There is mainly a lack of motivation and interest shown by the vulnerable families receiving social aid to join empowerment programmes. There is also the need for a paradigm shift in the mindset of vulnerable groups to trigger the willingness to escape from the poverty trap and integrate mainstream society; and there is also budgetary limitation. The Marshall Plan on poverty alleviation which is under preparation is expected to address these issues.

Housing programmes

95. Housing forms part of the basic social conditions that determine the quality of life and welfare of people. Social housing is one area where much is done to eradicate absolute poverty, economically empower vulnerable low income families, including women headed households, and foster their social inclusion to encourage their participation in the structural, economic, social and spatial development of the country. In its 2015-2019 Government Programme, the Mauritian Government has undertaken to increase housing supply and home ownership for the economically and socially disadvantaged. The current policy direction in social housing is to:-

(a) Facilitate access to a variety of affordable housing to cater for the different and evolving needs of present and future generations;

(b) Strengthen social and cultural integration through the provision of appropriate social and recreational facilities in social housing development; and

(c) Create mixed housing development schemes to help inclusion and equality among the low income groups.

Social Housing Policy of the Government

96. The Ministry of Housing and Lands has among its objectives, a National Housing Programme for period 2015-2019. This include the construction of 10 000 concrete housing units of 50m² each for households earning from Rs 6 200 to Rs 20 000 monthly. The housing units are meant to beneficiaries of the National Housing Development Corporation with subsidy from Government as follows:-

Family income (Rs)	*Purchase price of the housing unit*	*Government subsidy*
6 200-10 000	1/3 of the construction cost	2/3 of the construction cost
10 001-15 000	1/2 of the construction cost	1/2 of the construction cost
15 001-20 000	4/5 of the construction cost	1/5 of the construction cost

97. The eligibility criteria for the applicants to be allocated a housing unit are as follows:

(i) Not be owner of a house (including NHDC or CHA house);

(ii) Not own a residential plot of land;

(iii) Not hold a residential plot of State Land by lease;

(iv) Not have been granted any Government sponsored loan by MHC Ltd;

(v) Not have benefited from any Government grant for the casting of a roof slab; and

(vi) Not have received any financial assistance from Government for the purchase of construction materials.

98. The beneficiaries can settle the cost of the houses either by cash or through Government sponsored loans from financial institutions such as the Mauritius Housing Company or from other leading institutions. Also, all beneficiaries are granted a long term residential lease expiring on 30 June 2060, on the plot of land. Annual rentals for leases regarding sites built up with a housing unit are at a nominal rate based on the beneficiaries' income as follows:

Household Income (Rs)	Amount (Rs)	Quantity
≤ 7 500	1	
7 501-10 000	1 000	50% increase for each subsequent period of 10 years
10 001-15 000	2 000	50% for each subsequent period of 10 years
15 001-20 000	3 000	50% for each subsequent period of 10 years

99. Budget 2015 has allowed for the increase in size of the housing units to be constructed to 50m² to accommodate at least 2 bedrooms compared to previous schemes where the size of the housing unit varied from 36m2 to 39m2. More than 5 700 families have benefited from this scheme.

100. For families earning less than Rs 6 200 monthly, rather than providing land for the Ministry of Social Integration and Economic Empowerment or the National Empowerment Foundation to construct houses thereon, the Ministry of Housing and Lands would reserve 10% of the total number of housing units in all its new projects for the beneficiaries of the Ministry of Social Integration and Economic Empowerment or the National Empowerment Foundation.

Financial assistance for roof slabs and purchase of building materials

101. Government also encourages self-help construction of housing units by very low to low income families who already own a plot of land. These families are financially assisted through a grant scheme either for the casting of roof slabs to complete their construction or for the purchase of building materials to start their construction. As at end 2015, some 53,542 families have benefited from that scheme and Government has spent some Rs 2.21 Billion. Details of the scheme that has been reviewed in the Budget 2015/2016 are as follows:

Existing Housing Schemes	*Household Income Eligibility*	*Amount*	*Details of Scheme*
Roof Slab Grant	≤Rs10 000	Maximum one-off cash grant of Rs 75 000	Households who own a plot of land but cannot afford to complete construction of their house and has reached up to the beam level. The grant is for the casting of roof slab for an area up to 110m²
	>Rs10 000 but ≤ Rs 15 000	Maximum one-off cash grant of Rs 40 000	
Purchase of Building Materials	≤Rs10 000	Maximum one-off cash grant of Rs 65 000	Households who own a plot of land but cannot afford to start construction of a housing unit of up to 110m². The grant is for purchase of building materials to start construction

Statistics from the Ministry of Housing and Lands

Financial assistance for purchase of State Land within specific Housing Schemes

102. Government intervention in social housing in Mauritius dates as far as 1955, with the construction of the first housing estates comprising 1000 houses and the creation of the Ministry of Housing and Lands, responsible for matters relating to social housing

management, in addition to, some years later, the setting up of a Central Housing Authority (CHA) for the construction of some 19300 low cost houses. These houses and the land on which they had been built, were leased to the tenants by the CHA. In order to empower families to take full responsibility of their assets, Government introduced the "Right to Buy" policy in 1989 for beneficiaries of CHA houses to become owner of their housing unit, against payment of around Rs 500-1000 per unit. As at date, almost all the CHA beneficiaries have become owners of their housing unit.

103. The "Right to Buy" policy introduced in 1989 was extended in 2007 to enable the sale of State Land on which stood the CHA houses, against payment of a nominal amount of Rs 2,000 to Government. As at December 2015, some 10 632 families have become full owners of their land under that scheme. Yet, in year 2012, it was found that a number of vulnerable families, particularly lone mothers, could not benefit from this policy due to financial difficulties. Such vulnerable lessees of ex-CHA Housing Estates are now granted the land free of charge, through a waiving of the purchase price of Rs 2,000, and registration fees. Also fees for the Notary and for the survey of the plot of land are met by Government.

National Home Ownership Programme

104. The National Home Ownership Programme within Budget 2014 reiterated the aim of Government to ensure that all our citizens have a house that provides decent living conditions. The programme consists of the Housing Empowerment Scheme, which facilitates access to housing finance to middle income families earning up to Rs 50,000, a Social House Construction Programme aligned with the National Housing Programme already detailed, and the Home Ownership for Low Income Families which involves the extension of a "right to buy" policy to lessees of building site leases over State Land.

105. In its 2015-2019 Government Programme, the Mauritian Government has undertaken to increase housing supply and home ownership for the economically and socially disadvantaged. This measure is being implemented by the Ministry of Housing and Lands via the construction of 10,000 housing units during that period. Financial provision has thus been made in the Budget 2015 for an amount of Rs 1.2Bn during the period 2015/2016 for projects to fulfill the said measure.

Democratising access to land

106. In line with Government's policy to democratise access to land, the State Lands Act was amended in 2013 to provide that where a person, holding a building site lease over a portion of State land of an extent not exceeding 422.087 square metres (10 perches), other than Pas Géométriques, on which stands a residential unit, is willing to buy the portion of land, the Minister may sell it to him by private contract at the price of Rs 2000.

Right to Sustainable Development

107. Sustainable and eco-friendly development ranks high on Government's agenda and is expected to pave the way for a cleaner, greener and safer Mauritius. In the Government Programme 2015-2019 it was announced that:

(i) the Beach Authority Act will be reviewed and Beach Management Plans will be developed and implemented to ensure a more rational development and sustainable use of beaches;

(ii) the Environment Protection Act will be reviewed to more effectively respond to the changing needs of the day and tackle emerging challenges including mitigation concepts;

(iii) the National Environment Commission (NEC) will be revived to create better synergy among the various stakeholders to address important environmental concerns and issues;

(iv) the Police de l'Environnement will be strengthened and reinforced and the various enforcing agencies empowered;

(v) a Climate Change Bill and a new Climate Change Mitigation Strategy and Action Plan will be devised and implemented to address climate change particularly for Small Island Developing States; and

(vi) environmental awareness and value-based education would be introduced in the primary education curriculum.

108. The formal education system is an important tool in the development of Mauritius along with the sustainable development concept. The aim is to inspire children to pursue careers and knowledge in the sustainable development field. This is fundamental to the sustainable growth both of the green economy and the sustainable development vision. There are Environmental Clubs which have been set up in schools to get students acquainted with sustainable development principles, diffuse these principles at home and in society and bring about the much needed change in mindset, a sine qua non-requirement for the success of the sustainable development vision. Some of the projects of these clubs, amongst others are:-

(i) Segregation of waste;

(ii) Recycling of waste;

(iii) Composting;

(iv) Rain harvesting;

(v) Backyard Gardening;

(vi) Endemic corner where plants are tagged for referencing and doing some research on endemic plants about their properties and virtues;

(vii) Sensitization and Awareness campaigns; and

(viii) Community Outreach.

109. The Mauritius Renewable Energy Agency Act was enacted in August 2015 and came into force in December of the same year. The main object of the legislation is to promote the development and use of renewable energy in Mauritius and Rodrigues with a view, *inter alia*, to attaining the sustainable development goals and increasing the use of renewable energy in the energy mix.

110. In a document entitled "Achieving the Second Economic Miracle and Vision 2030", published in August 2015, Government has announced that it remains committed to adopting responsible and environmentally sustainable policy regarding energy production, waste management and physical infrastructural development and that Government will invest massively in these sectors during the next five years.

Rights of migrant workers

111. Although Mauritius is not a signatory to the 1990 International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, Government, as far as possible, applies the essence of the Convention in cases of disputes between migrant workers and their employer. Article 13 of the Code Civil Mauricien provides as follows: "L'étranger jouira à Maurice des mêmes droits civils que ceux qui sont ou seront accordés aux Mauriciens par les traités de la nation à laquelle cet étranger

appartiendra." However, Section 16(4)(b) of the Constitution allows for the passing of laws which may afford a different treatment to persons who are not citizens of Mauritius.

112. Migrant workers enjoy the same terms and conditions of employment, including minimum wages as those laid down for local workers in our labour legislation. Employers are required to submit a duly vetted model contract of employment to migrant workers at the time they apply for work permits on behalf of their foreign workers. Payment of the total salary and other benefits has to be effected directly to the foreign workers in Mauritius itself and this clause should be included in the contract of employment before it is vetted.

113. According to Section 38 of the Employment Rights Act, employees benefit from protection against termination of their work agreement. An agreement shall not be terminated by an employer by reasons of a worker's race, colour, caste, national extraction, social origin, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, marital status or family responsibilities.

114. The right to freedom of association, which equally applies to migrant workers, has been reinforced in the Employment Relations Act which came into force on 02 February 2009. Section 29 of the Act protects in unambiguous terms, the right of every worker to be or not to be a member of a trade union and to participate in trade union activities, including the right to seek and hold appointment or election as an officer of a union. Section 30 affords protection to trade unions of workers against acts of interference and Section 31 further provides for the protection of these workers against discrimination and victimisation.

115. Section 46 (5B) of the Employment Rights Act was inserted in 2013 to provide inter alia for a worker to be reinstated in his former employment with payment of remuneration from the date of the termination of his employment to the date of his reinstatement, where the Court finds that the termination of employment of the worker (who has been in continuous employment for a period of not less than 12 months with an employer) has been effected, on grounds of trade union membership or participation in trade union activities. Section 38(1)(a) of the Employment Rights Act affords further protection against termination of contract "by an employer by reason of a worker's race, colour, caste, national extraction, social origin, pregnancy, religion, political opinion, sex, sexual orientation, HIV status, marital status or family responsibilities".

116. The Occupational Safety and Health (Employees' Lodging Accommodation) Regulation 2011 were made by the Minister on 28 January 2011. These regulations aim at establishing norms for workers' lodging and accommodation with a view to improving the standards of living conditions in lodging accommodation provided to any employee including migrant workers.